In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.30340 of 2007
and
Criminal Revision No.469 of 2006

.....

Date of decision:15.5.2007

Gurdev Singh

.....Petitioner

v.

State of Haryana

.....Respondent

....

Present: Mr. G.S. Sidhu, Advocate for the applicant-petitioner.

.....

S.S. Saron, J. (Oral)

Cr.M.No.30340/2007:

This applicant has been filed seeking personal exemption from appearance before the trial Court wherein the date is fixed for 2.7.2007.

Notice of motion in the main case was issued on 8.8.2006. The petition is now fixed for 10.7.2007. Learned counsel appearing for the petitioner submits that the main petition be also preponed and he may be granted liberty to raise the grounds as mentioned in the present petition before the learned trial Court itself.

Notice of criminal miscellaneous to Advocate General, Haryana. On the asking of the Court, Mr. Vikas Chaudhary, learned Assistant Advocate General, Haryana accepts notice. The main petition is preponed from 10.7.2007 to today and taken up for hearing. The prayer

made in the present application shall also be disposed of along with the main case.

Cr. Rev. No.469/2006:

This criminal revision petition has been filed against the order dated 22.10.2005 passed by the learned Additional Chief Judicial Magistrate, Sirsa whereby the petitioner has been summoned as an additional accused in terms of Section 319 Cr.P.C. As has already been noticed, learned counsel for the petitioner does not press the petition and submits that he may be allowed to withdraw the same so as to enable him to raise the grounds as raised in the present petition before the learned trial Court. It is, however, submitted that the personal appearance before the trial Court during the trial may be dispensed with as the petitioner was found innocent during investigation of the case and was kept in column No.2 of the charge-report (challan) filed by the Police in terms of Section 173 Cr.P.C.

After hearing learned counsel for the parties and perusing the record and in view of the statement made by the learned counsel for the petitioner the main petition i.e. Criminal Revision No.469 of 2006 is dismissed as withdrawn with liberty to the petitioner to raise the grounds as raised in the petition before the learned trial Court. During the trial of the case the petitioner shall move an application before the learned trial Court itself in terms of Section 205 Cr.P.C. seeking exemption from appearance. The said application shall be considered and allowed by the trial Court subject to such conditions as the trial Court may deem necessary and proper for the trial of the case. The criminal miscellaneous application and

criminal revision petition stand disposed of accordingly.

May 15, 2007. **(S.S. Saron)**
Judge

hsp